

The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 7] NEW DELHI, FRIDAY, JULY 18, 1952

GOVERNMENT OF DELHI

Law, Judicial and Legislative Department

NOTIFICATION

Dated, the 18th July, 1952

No. 11/52-L.—The following Bill which is proposed to be introduced in the Delhi Legislative Assembly is published under rule 88 of the Delhi Legislative Assembly Rules for general information :—

BILL No. V OF 1952

A

BILL

to provide for transfer of the management of the Ayurvedic and Unani Tibbia College, Delhi, found by the late Hakim Ajmal Khan from its present trustees to a Board.

BE it enacted by the Delhi State Legislative Assembly as follows :—

1. Short title and commencement.—(1) This Act may be called the Tibbia College Act, 1952.

(2) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

2. Definition.—In this Act, “Board” means the Tibbia College Board.

3. Incorporation.—(1) With effect from such date as the Chief Commissioner may, by notification in the Official Gazette, appoint (hereinafter referred to in this Act as “the appointed day”), the entire management and control of the Ayurvedic Unani Tibbia College, Delhi now vested in the Board of Trustees, shall be vested in a Board to be called “the Tibbia College Board”.

(2) The Board shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

4. Constitution of the Board.—(1) The Board shall consist of nine members as follows :—

- (a) the Director of Health Services, Delhi, *ex-officio*;
- (b) the Chairman, Delhi Municipal Committee, *ex-officio*;
- (c) the Finance Secretary, Delhi State Government, *ex-officio*;
- (d) two members of the Delhi State Legislature nominated by the Delhi State Government;
- (e) two prominent practitioners of the Ayurvedic and Unani System of medicine nominated by the Delhi State Government;
- (f) one non-official nominated by the Delhi State Government;
- (g) a representative of the Indian Council of Medical Research.

(2) The Director of Health Services shall be *ex-officio* Chairman of the Board.

(3) The Principal of the Ayurvedic and Unani Tibbia College, Delhi, shall be the *ex-officio* Secretary of the Board and shall have the same right of being present at any meeting of the Board and of taking part in the discussions thereat as if he were a member of the Board, but he shall not have the right of vote.

5. Resignation from an office by an elected or nominated member.—A member of the Board may resign his office by giving notice in writing to the Chief Commissioner and shall on such resignation being accepted by the Chief Commissioner be deemed to have vacated his office.

6. Term of office and casual vacancies.—(1) A nominated member of the Board shall hold office for such term as the Chief Commissioner may direct.

(2) A casual vacancy in the office of a nominated member of the Board shall be filled by fresh nomination and the new member so nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he fills was nominated.

7. Powers of the Board.—The Board shall exercise the following powers and perform the following duties, namely:—

- (a) to maintain the Ayurvedic and Unani Tibbia College, Delhi, with a view to impart higher education to men and women in the Unani and Ayurvedic system of medicine and to promote and conduct research in the same;
- (b) to maintain and improve the Hindustani Dawa Khana and Rasayanshala in order to enable students to learn practical pharmacy;
- (c) to provide for studies to enable incorporation, where necessary, of the principles of the modern system of medicine and surgery in order to help the scheme of studies for the Unani and Ayurvedic systems according to the exigencies of time;
- (d) to help to produce and publish books in order to facilitate the carrying out of the objects specified in clauses (a) to (c).
- (e) to receive gifts, donations or benefactions from Government and to receive bequests, donations, and transfer of movable

or immovable properties from trustees, donors or transferors, as the case may be;

(f) to deal with any property belonging to or vested in the Board in such manner as the Board may deem fit for advancing the objects specified in clauses (a) to (d);

(g) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects specified in clauses (a) to (d).

8. Validity of acts of Board not to be questioned by reason of vacancy, etc.—No act of the Board shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of, the Board.

9. Dissolution and transfer of property of the Board of Trustees of the Ayurvedic and Unani Tibbia College, Delhi.—(1) As from the appointed day, the Board of Trustees of the Ayurvedic and Unani Tibbia College, Delhi, a society registered under the provisions of the Registration of Societies Act, 1860 (XXI of 1860), on the 12th day of August, 1911, by the name Anjuman-i-Tibbia whose purpose, constitution and name was amended on 25th November, 1915, shall be dissolved and all property, movable and immovable and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or were vested in the said society shall vest in the Board and shall be applied for the purpose for which the Board is constituted.

(2) As from the appointed day all debts and liabilities of the said society shall be transferred and attached to the Board and thereafter be discharged and satisfied by the Board.

(3) Any will, deed or other document, whether made or executed before or after the commencement of the Act, which contains any bequests, gift, or trust in favour of the said society shall, as from the appointed day, be construed as if the Board were therein named instead of the said Society.

10. Creation of the Tibbia College Fund.—The Board shall, in accordance with the rules made by the Chief Commissioner in this behalf, create and maintain a fund to be called the Tibbia College Fund into which all receipts and income of the Board shall be paid and out of which all expenses and disbursements of the Board shall be met.

11. Power of Delhi State Government to give directions—The Delhi State Government may give to the Board such directions as the Delhi State Government may think fit and the Board shall carry out those directions.

12. Approval of Delhi State Government to Board's budget.—(1) The Board shall frame a budget for every financial year and submit it to the Chief Commissioner for approval.

(2) The Chief Commissioner may approve the budget with or without modifications.

13. Power to supersede the Board.—(1) If the Chief Commissioner is of opinion that the Board is unable to perform, or has persistently made default in the performance of, the duties imposed on it by or under this Act, or has exceeded or abused its powers, the Chief Commissioner may

by notification in the Official Gazette supersede the Board for such period as may be specified in the notification:

Provided that before issuing a notification under this sub-section, the Chief Commissioner shall give a reasonable time to the Board to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Board.

(2) Upon the publication of the notification under sub-section (1) superseding the Board—

(a) all the members of the Board shall, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Board, shall, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner may direct; and

(c) all property vested in the Board shall, during the period of supersession, vest in the Delhi State Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Chief Commissioner may—

(a) extend the period of supersession for such further term as he may consider necessary; or

(b) reconstitute the Board in the manner provided in section 4.

14. Power to make rules.—(1) The Chief Commissioner may, by notification in the Official Gazette, make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) the manner in which the funds belonging to the Board shall be deposited or invested;

(b) the mode of authentication of orders for payment of money by the Board;

(c) the form in which accounts shall be kept by the Board and audit and publication of such accounts;

(d) creation of the fund under section 10.

15. Power of Board to make regulations.—The Board may make regulations consistent with the provisions of this Act for all or any of the following purposes, namely:—

(a) the manner in which meetings of the Board shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings;

(b) the manner in which a majority decisions of the Board shall be obtained by circulation to the members of the matter requiring decisions;

(c) the appointment of such officers and servants as may be necessary for the purpose of carrying out the objects specified in section 7 and their terms and conditions of service.

16. Appointment of Advisory Council.—(1) The Chief Commissioner may constitute an Advisory Council to advise the Board on such matters as may be prescribed.

(2) The number and term of office of, the procedure to be followed by, and the manner of filling casual vacancies among members of the Advisory Council shall be such as may be prescribed.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to take powers for transferring the management of the Ayurvedic and Unani Tibbia College, Delhi from its present trustees to a Board under the control of the Delhi State Government. The College has been grossly mismanaged for some time past with the result that its reputation is very low today. In early 1949, the situation deteriorated to such an extent that there were students' strikes, defalcation of funds and frequent interruptions in scholastic work. The Collector, Delhi made an interim prayer to the Civil Court for the appointment of receivers. This prayer was granted and three receivers appointed by the Civil Court are at present in charge of the properties and management of the institution. This arrangement, which is good so far as it goes, is inevitably temporary and inadequate, and it seems desirable to provide by legislation for the control and management of the College and the properties attached thereto.

DILIP;
the 17th July, 1952.

SUSHILA NAYAR,
Member-in-Charge.

M. L. VIJH,
Secretary to Government.

